

September 26, 2005
Seven o'clock P.M.
North Little Rock School District Board Room
2700 Poplar
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, September 26, 2005, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (8/0). Assistant City Clerk LINDA MARSHALL and Chief Deputy City Attorney JASON CARTER were also present.

The invocation was given by Alderman Hight, followed by the pledge of allegiance to the flag which was led by Alderman Witcher.

On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the minutes from a regular council meeting and a special call held on September 12, 2005, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communications #1, 2, 3, 4, and 5 were accepted and filed (8/0).

1. Sharon Tedford, Mayor's Office memorandum re: change of manager for BPOE Elk's Lodge #1004, 123 E. Broadway by Robert Engelberger.
2. Charlotte Thomas, Mayor's Office notice re: University of Arkansas at Little Rock Wastewater Task Force Public Hearing, Tuesday, September 27, 2005, 6:00 p.m., Laman Library, 2801 Orange Street, North Little Rock, Arkansas.
3. Sharon Tedford, Mayor's Office memorandum re: Restaurant Mixed Drink and Sunday Permit for Tia's, 4305 Warden Road by Jean Mouton.
4. Sharon Tedford, Mayor's Office memorandum re: replacement Restaurant Mixed Drink permit for The Nest Lounge, 3805 MacArthur Drive by Carl D. Samuels.
5. Paul Suskie, City Attorney, letter re: Legal Opinion No. 05-08 – Zoning Map Error.

On the motion of Alderman Hight and seconded by Alderman Berry, and by consent of all members present, communication #6 was read in its entirety, accepted, filed and approved via voice vote (8/0).

6. Mayor Patrick H. Hays letter to City Council members re: Sister City Relationship with Uruapan, Mexico (and Interlocal Agreement between Uruapan, Michoacan, Mexico and North Little Rock, Arkansas, United States of America).

Mayor Hays advised Uruapan is a city of over 100,000 and he had the opportunity to visit their national park while on a recent trip to the area. The altitude is similar to Denver, Colorado. A delegation will arrive in North Little Rock either Wednesday or Thursday for a visit. Mayor Hays said there were no Sister Cities in Arkansas with a City in Mexico.

On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, communication #7 (received by Assistant Clerk this date) was read in its entirety, accepted and filed (8/0).

7. Alderman Gipson memorandum to City Council re: Industrial Zonings and lack of listing for Asphalt Production or Plant and Concrete Production or Plant.

Alderman Gipson said concrete plants used to be in I-3 zones. At some point, the zoning was changed to I-2 and is not included in current zoning classifications. Alderman Parker said the item is on page 7 of the attachment. Alderman Witcher asked Planning Director Robert Voyles how Industrial Zoning Uses are determined. Mr. Voyles advised there are three Industrial Zones (I-1, light industrial located near residential use; I-3, heavy industrial use located a distance from residential use). Mr. Voyles said concrete plants were merged into concrete products. Alderman Gipson advised he will hold O-05-72. (A copy of Communication #7 will be attached to O-05-72).

Mayor Hays advised 3,000 North Little Rock Electric customers lost electric power Saturday night due to winds from Tropical Storm Rita and thanked the Electric Department and Public Works Department for their work during the event.

Mayor Hays invited Miss Jorie Drye and Miss Ashleigh Mallet to come forward. These young ladies collected \$230.12 for Hurricane Relief efforts at a lemonade stand in their neighborhood. Mayor Hays presented both with a proclamation in honor of their fund raising efforts and assistance for the Hurricane Survivors.

Alderman Witcher said 361 people were feed lunch at the Hays Center today. Over the five weeks since Hurricane Katrina hit Alabama, Louisiana and Mississippi, over 7,000 meals have been provided.

Mayor Hays introduced Mr. Bill Valentine with the Arkansas Travelers, Mr. Russ Meeks and Mr. Frank Thomas, Stephens, Inc. who were present. Mr. Charley Foster, Burt Taggart and Associates (BTA) advised HKS Architects, Dallas, Texas are the official Architects for the project. Mr. Foster introduced plans regarding the ballpark. Mr. Dan Phillips who designed the plans provided a presentation including a review of the site plan. Mr. Valentine thanked everyone for their vote and said the ball field will be the best AA Ballpark in America.

Mayor Hays advised he has been invited to visit North Little Rock's Sister City, Uiwang, South Korea along with Aldermen Witcher, Parker and Bryant and several business leaders from North Little Rock. They will leave on October 4 and return on October 12, 2005. He asked that the next meeting of the City Council be moved from October 10, to October 13, 2005, at 7:00 p.m. Mayor Hays asked to scheduled a public comment period for October 13, 2005, at 6:00 p.m. at the North Little Rock School District Administration Building to discuss the ballpark. On the motion of Alderman Bryant, and seconded by Alderwoman Robinson, and by consent of all members present, the next regular City Council meeting was rescheduled from

Monday, October 10, 2005, to Thursday, October 13, 2005, and a public hearing regarding the ballpark in North Little Rock was scheduled for 6:00 p.m. on October 13, 2005 (8/0).

Mayor Hays invited Mr. Joe Gertsch, North Little Rock Electric Department Director to come forward and introduce the General Manager of the Missouri Joint Municipal Electric Utility Commission. Mr. Gertsch said the city is considering purchasing an interest in a Coal Fired Plant in North Arkansas. The price of wholesale power has increased significantly. Mr. Duncan Kinslow is the CEO of the Missouri Public Utility Alliance which is a coalition of three organizations serving municipal utilities. He is currently working on the Plum Point Project and shared how the groups work together and would work with Arkansas utilities. Mr. Kinslow reviewed power acquisition and compensation and current projects.

OLD/UNFINISHED BUSINESS

R-05-126

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1324 DIVISION IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Mayor Hays (owner G P Family Trust).

R-05-127

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1624 W. 16TH STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Mayor Hays (owner Keith and Debbie Waggoner).

O-05-50 (**ORDINANCE NO. 7743 - MAYOR HAYS**)

AN ORDINANCE AMENDING ARTICLE V. (PLUMBING AND GAS) OF THE NORTH LITTLE ROCK MUNICIPAL CODE BY ADDING SECTION 18-373; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on July 25, 2005, was read a second time on August 22, 2005, was called. Mayor Hays invited Mr. Roger Nichols, North Little Rock Plumbing Inspector advised some of the items were related to public health and safety. The state recently made changes to the State Plumbing Code which has created some safety issues. The ordinance was read a third and final time, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-51

AN ORDINANCE VACATING AND ABANDONING A PORTION OF SUMMERS AVENUE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on July 25, 2005, was read a second time on August 22, 2005, was called and held at the request of the sponsor, Mayor Hays.

NEW BUSINESS

R-05-137 (RESOLUTION NO. 6838 - MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BID OF MOBLEY CONTRACTORS, INC. FOR CONSTRUCTION OF MOORING FACILITIES AT THE USS RAZORBACK/HOGA COMPLEX, AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH MOBLEY CONTRACTORS; AUTHORIZING CHANGE ORDER NO. 1: AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderwoman Robinson. Alderman Gipson advised the amount in Section 3 should be \$722,075.88. On the motion of Alderman Gpson and seconded by Alderman Bryant, and by consent of all members present, the resolution was amended as follows:: *Section 3: delete \$733,075.88 and replace with \$722,075.88* (8/0). Mayor Hays advised this would align the Patriot, and several barges, and include bank work and stabilization. On the motion of Alderman Bryant and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-05-138 (RESOLUTION NO. 6839 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE "EISENHOWER PROTOCOL" ON BEHALF OF THE CITY OF NORTH LITTLE ROCK TO PROMOTE A NATIONAL MULTIMODEL TRANSPORTATION POLICY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-139 (RESOLUTION NO. 6840 - MAYOR HAYS)

A RESOLUTION APPROPRIATING FUNDS FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF A BASEBALL STADIUM; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-140 (RESOLUTION NO. 6841 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONSULTING AGREEMENT WITH DaCOTT ENERGY SERVICES, LTD.; AND FOR OTHER PURPOSES, was read. Mr. Gertsch said the city would utilize DaCott to assist with regard to a contract pertaining to the Plum Point Project. On the motion of Alderman Bryant and seconded by Alderman Thomas, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-141 (RESOLUTION NO. 6842 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER A CONSULTING AGREEMENT WITH R. W. BECK, INC.; AND FOR OTHER PURPOSES, was read. Mr. Gertsch advised the company has worked with the city in the past and would like to use them again. On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-142 (RESOLUTION NO. 6843 - ALDERMAN GIPSON)

A RESOLUTION APPROPRIATING FUNDS FOR ADDITIONAL EXCAVATION WORK IN THE 35TH STREET AND DRAINAGE PROJECT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Bryant. Alderman Gipson advised this would exceed Ward I monies for the year, however, the excess would be taken from next years funds. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

O-05-67 (ORDINANCE NO. 7744 - MAYOR HAYS)

AN ORDINANCE LEVYING A TAX ON ALL REAL AND PERSONAL PROPERTY WITHIN THE CITY OF NORTH LITTLE ROCK FOR THE POLICE PENSION AND RELIEF FUND, THE FIRE PENSION AND RELIEF FUND, THE MUNICIPAL LIBRARY FUND, AND THE NORTH LITTLE ROCK GENERAL FUND, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Berry and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-68

AN ORDINANCE ANNEXING A POCKET OF LAND LOCATED AT THE INTERSECTION OF HIGHWAY 165 AND OLD HIGHWAY 30 TO BE TITLED "K M POCKET ANNEXATION" TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING THE "K M POCKET ANNEXATION" A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading. The ordinance was read a second time. Mr. Carter said a public hearing would need to be scheduled. Mayor Hays scheduled a public hearing for 7:05 p.m. on Thursday, October 13, 2005. The legislation was then held at the request of the sponsor, Mayor Hays.

O-05-69 (ORDINANCE NO. 7745 - ALDERMAN GIPSON)

AN ORDINANCE AMENDING NORTH LITTLE ROCK MUNICIPAL CODE § 2-799, COMPETITIVE BIDS, TO INCLUDE REVERSE INTERNET AUCTIONS FOR THE PURCHASE OF GOODS AND SERVICES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). The ordinance was read a second time. Alderman Gipson said the State Legislature authorized cities to set an ordinance to allow reverse auctions. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). On the motion of Alderman Berry and seconded by Alderman Hight, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-70 (ORDINANCE NO. 7746 - ALDERMAN HIGHT)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 5200 N. WALNUT STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R-1 TO R-3 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Hight and seconded by Alderman Parker, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third final reading (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-71

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 7697 TO REMEDY AN ERROR IN A MAP; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held at the request of sponsor, Alderman Parker. Mr. Carter reviewed Legal Opinion No. 05-08 (see Communication #5).

O-05-72

AN ORDINANCE AMENDING ORDINANCE NO. 7697 REGARDING CONCRETE PLANTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held during Communications at the request of the sponsor, Alderman Gipson (see communication #7 filed this date).

PUBLIC COMMENTS-----

Mr. Matthew Richard said legislation requiring Levying a Property tax should be changed or heard during three meetings. He doesn't know anything about the Sister Cities Program and asked where funding would come from. Mr. James Ard said the project with Korea is good public relations for the city. Mr. Ard said MEMS does a good job responding. However, on September 21, he observed MEMS Unit 514 speeding on I-430 South and exit on Colonel Glenn Road and said the ambulance drivers should obey traffic laws when not responding to a call. Mrs. Sharon Dobbins said she is running for the State House of Representatives Seat District 39 and asked for support. Mr. Bobby Taylor said the Morgan Portable Building is starting to come apart and said he had heard the owner had asked for additional time and asked when that meeting would take place. Mayor Hays asked Mr. Voyles to talk to Mr. Taylor. Alderman Gipson said August 26, 2005, would have exceeded one year on the building. Mr. Joe Reynolds said the problem Mr. Taylor mentioned continues and needs to be resolved. Mr. Reynolds said he had a previous problem with MEMS and he said he would not continue their contract. Mr. Reynolds said the voters in North Little Rock voted for the ballpark tax and said there are firms in North Little Rock, Little Rock and the state who could take care of this business.

There being no further business to come before the Council, and on the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the meeting adjourned at 9:00 p.m. (8/0), until the next regular meeting (*which was rescheduled by voice vote*) to be held on Thursday, October 13, 2005, at seven o'clock p.m. in the North Little Rock School Administration Building Board Room, located at 2700 Poplar, in the Administration Office Board Room, North Little Rock, Arkansas.

Approved: MAYOR PATRICK HENRY HAYS

Attest: DIANE WHITBEY, CITY CLERK